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October 14, 2004

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COURIER

Kim Stevenson, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5525

Swift Vets and POWs for Truth
Admiral Roy Hoffman
Charles Plumly
William Franke
Alvin A. Horne
William Lannom
Kenneth Cordier
Merrie Spaeth
John O'Neill
Weymouth Symmes

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
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Dear Ms. Stevenson:

This letter responds to the Complaint filed against our clients, Swift Vets and POWs for Truth ("SBVT") and the other respondents listed above, in MUR 5525. SBVT and the other respondents listed above deny each allegation made against them in the complaint. The complaint fails to cite any evidence that the SBVT's communications were coordinated with Bush-Cheney '04, Inc. or the Republican National Committee. In fact, an objective, common sense reading of the complaint reveals that it is based upon conjecture, and at best, attenuated innuendos designed to provide the Kerry campaign's media allies with fodder for a story. *See, e.g.,* Complaint at 9 ("In 1986, Rove served as a political consultant to the gubernatorial campaign of Bill Clements, and Bob Perry was the Treasurer of that campaign.") (emphasis added). For the reasons set forth below, the Federal Election Commission must dismiss the complaint and not take any further action.

SBVT is an independent organization and exempt from federal income tax under section 527 of the Internal Revenue Code. The organization is led by Rear Admiral Roy Hoffmann, USN (retired), Commander of all Swift Boats in Vietnam during the period of John Kerry's four-month tour in Swift Boats between late November 1968 and mid-March 1969. A list of the

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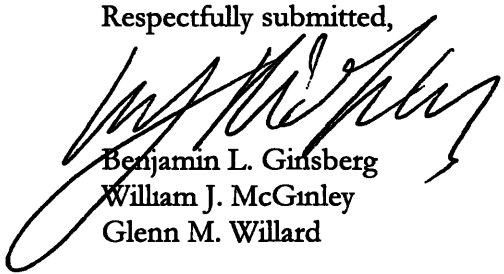
254 members may be found on www.swiftvets.com. A large majority of those who served with John Kerry in Swift Boats in Vietnam have joined the organization. The purpose of SBVT is to add to the public debate essential information about John Kerry's post-Vietnam charges of war crimes and his own Vietnam record. SBVT is uniquely positioned to do so since it includes most of the locatable sailors and officers who served with John Kerry in Vietnam.

The decisions regarding the content, timing and placement of SBVT advertisements are made by the veterans who served on swift boats with Senator Kerry during the Vietnam war. The content of each advertisement focuses on inaccuracies about Senator Kerry's war record and his lies and distortions about the men he served with in Vietnam. These advertisements are designed to educate the general public about Senator Kerry's war record and his anti-war activities after he returned home from Vietnam. The complaint cites no evidence – because there is none – that any other organization or individual has participated in any manner in the material decisions, content or timing of these advertisements. See 11 C.F.R. § 109.21. Any suggestion or innuendo made in the complaint to the contrary is false and represents one more lie by Senator Kerry about the men he served with in Vietnam.

Finally, SBVT has complied with the source prohibitions and reporting obligations applicable to electioneering communications. The organization has established two separate bank accounts – one for donations from individuals and another separate account for donations from corporations and other business entities. The production costs for each communication that may qualify as an electioneering communication have been paid for with permissible funds from the account containing donations from individuals. SBVT has filed a Form 9 for each electioneering communications paid for by the organization.

Accordingly, the Commission must dismiss this matter and take no further action for the reasons stated above.

Respectfully submitted,



Benjamin L. Ginsberg
William J. McGinley
Glenn M. Willard

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